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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,197

06/30/2006

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04/04/2008

EXAMINER

GUIDOTTI, LAURA COLE

ART UNIT

PAPER NUMBER

3723

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,197	<b>Applicant(s)</b> DECOOPMAN, CARL	
	<b>Examiner</b> Laura C. Guidotti	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>100406</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "7" (Page 5 Lines 19 and 20). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "A" and "B" (Figure 1); "10" (Figure 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

In Page 4 Lines 11-12 of the specification, the specification refers to specific claims, which is improper.

Appropriate correction is required.

### ***Claim Objections***

4. Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 3, which depends from claim 1, recites the limitation that the body comprises at least one fastening element which was previously claimed in claim 1. Claim 3 states that it must be "for a cloth", however that is considered to be intended use of the fastening element.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kingry et al., US 6,305,046.

Kingry et al. disclose the claimed invention including a body (22) made of a first synthetic material (Column 3 Lines 63-66) in which at least one fastening element (42), made of a second synthetic material (Column 4 Lines 60-65), the second synthetic material being more elastic than the first (as 42 is thinner than 22, and that 42 is ABS while 22 is polyethylene), characterized in that the utensil is one piece (see Figures). Regarding the limitation that it is manufactured in one single injection operation, the structure is capable of having been made in a single injection operation and also “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985) (see MPEP 2113). Regarding claim 3, the body comprises at least one fastening element (42) for a cloth (28). Regarding claim 4, the body comprises a handle fastening element (26).

6. Claims 1, 3-4, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nash, US 3,877,103.

Nash discloses the claimed invention including a body (31) made of a first synthetic material (in embodiment of Figure 5, the body is polypropylene, Column 4 Lines 34-36) in which at least one fastening element (10), made of a second synthetic

Art Unit: 3723

material (Column 3 Lines 44-54), the second synthetic material being more elastic than the first (as it is thinner as shown in Figures and are described as resilient, Column 3 Lines 17-43), characterized in that the utensil is one piece (see Figures). Regarding the limitation that it is manufactured in one single injection operation, the structure is capable of having been made in a single injection operation and also “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” Regarding claim 3, the body comprises at least one fastening element (10) for a cloth (C). Regarding claim 4, the body comprises a handle fastening element (34). Regarding claim 8, a cleaning utensil is manufactured in one piece in one single injection operation (in the embodiment described in Figure 5, Column 4 Lines 34-65).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nash, US 3,877,103 in view of Pain, US 2,339,187.

Nash discloses all elements previously mentioned above, however does not disclose that the second synthetic material is an elastomer. Nash does disclose that the fastening element (10) can be made of “any natural or synthetic material, plastic or otherwise, capable of resiliently yielding and recovering as required” (Column 3 Lines 44-47).

Pain teaches a similar structure (also 10) to that of the fastening element of Nash, for holding cloth or a towel (Title). This fastening element is made of an elastomer (soft rubber, Column 1 Lines 50-52) and is resilient and deformable (Column 1 Lines 1-11).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the material comprising the fastening element of Nash to be an elastomer, as Pain teaches, as it is capable of resiliently fastening and holding a cloth to another structure. And further it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the fastening element made of an elastomer, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, USPQ 416.

8. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nash, US 3,877,103 in view of Muta, US 5,426,809.

Nash discloses all elements previously mentioned above, however does not disclose that the body comprises a shell-shaped envelope which is provided with an

inner space and an open lower surface, ribs being provided in the inner space and extend over the entire depth of the inner space.

Muta teaches a cleaning implement that has a body (12) made of a synthetic material (Column 3 Line 67 to Column 4 Line 2) and at least one fastening element (14) for a cloth (108), wherein the body comprises a shell-shaped envelope (16) which is provided with a hollow inner space (shown underneath lower surface of 16 as shown in Figure 4-5) and an open lower surface (lower surface of 16), and ribs (16a) provided in the inner space which extend over the entire depth of the inner space (Figures 4-5, 7) so that during use the wiping cloth is pressed against the surface by elastic force from the ribs and the ground contact pressure of the cloth per unit area can be increased so that stains can be easily cleaned and wiped away (Column 2 Lines 39-65). Regarding claim 6, the ribs are made of an elastomer (Column 4 Lines 17-21, 37-39).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nash, US 3,877,103 and Muta, US 5,426,809 as applied to claim 5, in view of Meliconi, EP 0697269.

Nash and Muta disclose all elements previously mentioned above, however do not disclose that the handle fastening element comprises a zone of a second synthetic material provided between the handle holder and the envelope.

Meliconi teaches a body envelope (1) and a handle holder (threads of 3), and a zone of a synthetic material being provided between the handle holder and the envelope (5) so that there is an elastic hinge that allows the cleaning pad to incline or rotate while cleaning (Abstract).



It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the holder and envelope of Nash and Muta so that there was a zone of a synthetic material provided between the holder and envelope, as Meliconi teaches, so that the mop body can hinge or rotate in response user applying cleaning force to clean hard to reach areas.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/585,197  
Art Unit: 3723

Page 9

/Laura C Guidotti/  
Primary Examiner, Art Unit 3723

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